

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

IN RE: ROBERT B RUDECKI)	
)	CASE NO. 11-32373
SHEREE K RUDECKI)	
)	CHAPTER 13 PROCEEDING
DEBTORS)	
)	
-----)	Adversary Proceeding _____
)	
)	
ROBERT B RUDECKI and)	
SHEREE K RUDECKI)	
Plaintiffs,)	
vs.)	
TERRY A. PRICE)	
Defendant)	
)	

**COMPLAINT FOR INJUNCTIVE RELIEF
AND TO EXTEND STAY TO THIRD PARTY**

COMES NOW, Robert and Sheree Rudecki, Plaintiffs herein, by counsel, and allege as follows:

1. This court has exclusive jurisdiction of this adversary proceeding pursuant to 28 U.S.C. § 157(b)(1).
2. This is a “core proceeding” within the meaning of 28 U.S.C. §157(b)(1).
3. Plaintiffs, Debtors herein, filed a petition in this court on June 13, 2011, for relief under Chapter 13 of the Bankruptcy Code.
4. The defendant, Terry A. Price (hereinafter “Price”), is a creditor in Plaintiffs’ bankruptcy.
5. Plaintiff husband is self-employed, receiving income from the operation of a

business known as Twin Maple Tool, Inc (hereafter “Twin Maple”). Plaintiff husband is the sole shareholder of Twin Maple. Twin Maple operates from the building located at 324 Liberty Street, Walkerton, IN. Bernard Rudecki is a the purchaser of this real estate under a land contract with defendant Price. Plaintiff husband has an equitable interest in this land and building by virtue of possession for use in Twin Maple business and making payments to defendant Price.

6. On or about December 2, 2010, in cause number 71D-051012-PL-00266, in the St. Joseph County Superior Court, defendant Price filed a Complaint against Plaintiff husband, Twin Maple and Bernard Rudecki. (See complaint attached hereto as Exhibit “1”). The Complaint seeks judgment for forfeiture, foreclosure and breach of contract based on the land contract terms.
7. Trial on defendant’s Complaint is scheduled for June 15, 2011 at 10:00 am. (See pre trial entry order attached hereto as Exhibit “2”).
8. The Bankruptcy Court is authorized to issue an injunction under 11 U.S.C. §105(a). This section empowers the bankruptcy court to issue any order necessary or appropriate to carry out the provisions of the Code, including orders restraining actions elsewhere.
9. A trial, judgment and execution of the judgment against any of the defendants on 324 Liberty Street, Walkerton, IN will interfere with the successful reorganization of Debtors.
10. 11 U.S.C. §1304 permits a debtor that is self-employed to continue to operate his business.

11. The equitable interest in the real estate and the income derived from the continued operation of Twin Maple at that location is property of the bankruptcy estate pursuant to 11 U.S.C. §1306(a)(2). Bernard Rudecki's interest in the real estate must be protected to enable the Debtor's successful reorganization under Chapter 13 because a trial and judgment and execution of the judgment will disrupt the business of Twin Maple.
12. Debtors intend to cure the default and maintain payments to defendant Price or seek financing to payoff defendant Price with the help of Bernard Rudecki.
13. "The automatic stay can apply to non-debtors, but normally does so only when a claim against the non-debtor will have an immediate adverse economic consequence for the debtor's estate." *Queenie v. Nygard*, 321 F.3d 282 (2nd Cir 2003). Defendant Price is in contravention and violation of the provisions and the spirit of 11 U.S.C. §362, and permitting his Complaint to proceed to trial will have an immediate adverse economic consequence upon the debtors' bankruptcy estate.
14. Unless Price is temporarily restrained from seeking a judgment, the Plaintiffs will suffer immediate, irreparable injury, loss and damage due to loss of their livelihood, and the administration of this Chapter 13 case will be impaired. (See Affidavit of Robert Rudecki attached hereto as Exhibit "3").

WHEREFORE, Plaintiffs pray pursuant to Rule 65 of the Federal Rules of Civil Procedure as incorporated by Federal Rule of Bankruptcy Procedure 7065, for a temporary restraining order, restraining the Defendant, the Defendant's attorneys, agents, and employees

and successors from pursuing a trial and judgement against Bernard Rudecki and Twin Maple Tool, Inc in cause 71D-051012-PL-00266, and that this court extend the automatic stay in Debtors' Chapter 13 bankruptcy to Twin Maple Tool Inc and Bernard Rudecki and issue a preliminary injunction preventing Defendant from interfering with any property of the bankruptcy estate.

Respectfully Submitted,

/s/ Thomas E. Panowicz
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